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September 20, 1999

Mr. David Waddell Executive Secretary Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505

Re:

Petition for Arbitration of ICG

Docket No. 99-00377

Dear David:

Please find enclosed an original and thirteen copies of ICG Telecom's Objections to BellSouth's First Set of Interrogatories in the above captioned proceeding pursuant to the Order of the Pre-Arbitration Officer dated September 13, 1999.

Thank you for your assistance in this matter.

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker, atterney for ICC

HW/nl

cc: Guy Hicks, attorney for BellSouth

## BEFORE THE TENNESSEE REGULATORY AUTHORITY

In the Matter of:	)	
Petition by ICG TELECOM GROUP, INC. for Arbitration of an Interconnection Agreement with BELLSOUTH TELECOMMUNICATIONS, INC. Pursuant to Section 252(b) of the Telecommunication Act of 1996	) ) ) ) )	Docket No. 99-00377 Filed: September 20, 1999
	)	

# ICG TELECOM GROUP, INC.'S OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF DISCOVERY REQUESTS

ICG Telecom Group, Inc. (ICG), pursuant to the Report and Initial Order of the Pre-Arbitration Officer entered September 13, 1999, hereby files the following objections to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories and First Request for Production of Documents served on September 15, 1999.

### **General Objections**

- 1. To the extent BellSouth's discovery requests seek information outside of Tennessee, ICG objects and ICG will limit its responses to the jurisdiction of Tennessee. Information in regard to other jurisdictions is irrelevant and immaterial in a Tennessee-specific arbitration. Further, such requests are overly broad, unduly burdensome, and oppressive.
- 2. ICG objects to each and every request to the extent that such request is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.
- 3. ICG objects to providing information to the extent that such information is already a public record before the Tennessee Regulatory Authority.

### **Objections to Interrogatories**

INTERROGATORY NO. 3: Identify each person whom you have consulted as an expert in anticipation of this arbitration or in preparation for a hearing in this arbitration who is not expected to be called as a witness. With respect to each such expert, please state the facts known by and opinions held by this expert concerning any matters raised in the Arbitration Petition.

**OBJECTION:** ICG objects on the grounds that the requested information is not discoverable. See TRCP Rule 26.02(4)(B).

**INTERROGATORY NO. 4:** Identify all documents which refer or relate to any issues raised in the Arbitration Petition that were provided or made available to any expert identified in response to Interrogatory Nos. 2 or 3.

**OBJECTION:** ICG objects to the extent that this Interrogatory refers to experts requested under Interrogatory No. 3, on the same basis given in objection to Interrogatory No. 3.

**INTERROGATORY NO. 26:** Identify all agreements between ICG and an Incumbent Local Exchange Carrier under Section 252 of the Act, whether the agreement was entered into through voluntary negotiation or compulsory arbitration. In answering this request, please:

- (a) identify the Incumbent Local Exchange Carrier that is a party to each such agreement;
- (b) state the effective date of each such agreement; and
- (c) state the expiration date of each such agreement.

**OBJECTION:** ICG objects on the grounds that the information is as available to BellSouth as it is to ICG. All agreements are on file with the regulatory bodies governing the states where ICG does business, namely, Alabama, Georgia, North Carolina, Tennessee, Kentucky, Florida, Texas, Colorado, California and Ohio.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

Bv:

Henry Walker, Esq.

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Attorney for ICG Telecom Group, Inc.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing ICG Telecom Group, Inc.'s Objections to BellSouth Telecommunications, Inc.'s Discovery Requests was furnished by (\*) hand delivery or U.S. Mail to the following parties of record this 20<sup>th</sup> day of September, 1999:

\*Richard Collier, Esq.
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0500

\*Guy M. Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300

Henry Walker